



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,038	12/20/2001	Baron L. Roberts	07844-498001	2951
21876	7590	01/12/2005	EXAMINER	
FISH & RICHARDSON P.C. 3300 DAIN RAUSCHER PLAZA MINNEAPOLIS, MN 55402			RAMOS FELICIANO, ELISEO	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,038

Applicant(s)

ROBERTS ET AL.

Examiner

Eliseo Ramos-Feliciano

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/19/04; 6/28/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The references listed in the Information Disclosure Statement filed on April 19, 2004 and June 28, 2004 have been considered by the examiner (see attached PTO-1449 form).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-9** are rejected under 35 U.S.C. 102(b) as being anticipated by Hollenberg (US Patent Number 6,091,956).

Regarding **claim 1**, Hollenberg discloses a method for recording and recalling data associated with a location, the method including:

using a location aware device (locating means; column 29, line 37-40) to determine a current location (6a – Figure 2; 6f – Figure 4; 6j – Figure 6, 6r – Figure 11, etc.);

recording a location bookmark (graphical symbols; column 8, lines 55-60) for the current location “using” the location aware device, a location bookmark having a bookmark location and bookmark content, the bookmark location including the current location and the bookmark content comprising data (for example, advertisement information; column 13, lines 21-46) associated with the current location (the disclosed graphical symbols read on the claimed “location bookmark” because they are location specific and include location and content information as depicted by the maps and the graphical symbols therein);

storing the location bookmark (column 8, lines 55-60);

detecting (Figures 2, 4, 6, 11) at some later time that a location of the location aware device is within a specified proximity to the bookmark location and that a user-defined condition is satisfied by the bookmark content (as the user approaches a specific location, e.g. a store, a map including the location bookmark (graphical symbols) is displayed as depicted in Figures 2, 4, 6, 11, etc.; see column 4, line 31 to column 10, line 42); and

automatically notifying a user of the location aware device of the location bookmark (this is by displaying the location information, etc. – see Figures 2, 4, 6, 11, etc.).

Regarding **claim 2**, Hollenberg discloses everything claimed as applied above (see *claim 1*). In addition, Hollenberg discloses that a current location is determined by: using a global positioning system receiver; using an inertial navigation system; or receiving a wireless data transmission indicating the current location transmitted by a server in a cellular network that used a signal received by a cellular tower from the location aware device to determine a geographic location of the location aware device based on the signal. In this case, for example, a global positioning system (GPS) receiver (column 8, lines 65-67; column 9, lines 41-44)

Regarding **claims 3-4**, Hollenberg discloses everything claimed as applied above (see *claim 1*). In addition, Hollenberg discloses that the bookmark content comprises multimedia content captured at the current location (see Figures 2, 4, 6, 11; also column 10, lines 1-4). The bookmark content further comprises descriptive content describing at least one of the following: the current location; the time of recording the location bookmark; the environmental conditions at the current location; or the multimedia content captured at the current location. In this case, for example, current location (6a – Figure 2; 6f – Figure 4; 6j – Figure 6, 6r – Figure 11, etc.).

Regarding **claim 5**, Hollenberg discloses everything claimed as applied above (see *claim 1*). In addition, Hollenberg discloses that the bookmark location and the bookmark content are stored in a searchable database (memory, storage, drives, RAM, etc.; column 5, lines 12-27) as key-value pairs having user-defined keys and values (see also 38, 39 – Figures 1, 3, 5).

Regarding **claim 6**, Hollenberg discloses everything claimed as applied above (see *claim 1*). In addition, Hollenberg discloses displaying a plurality of location bookmarks to a user, wherein the location bookmarks are grouped: by bookmark location; by subject matter of the bookmark content; or chronologically by time of recording the location bookmarks. In this case, for example, bookmark location, or subject matter of the bookmark content (e.g.: 6h, 6i - Figure 4) (see Figures 2, 4, 6, 11 as cited above).

Regarding **claims 7-8**, Hollenberg discloses everything claimed as applied above (see *claim 1*). In addition, Hollenberg discloses that recording a location bookmark for the current location comprises recording at least one of the following: latitude and longitude of the current location; or universal transverse Mercator coordinates of the current location. In this case, for example, latitude and longitude (column 23, line 4). Also recording an elevation (3p – Figure 11; column 21, lines 38-39; also “distance relationships” column 23, line 3; *inter alia*) of the current location as part of the location bookmark.

Regarding **claim 9**, Hollenberg discloses everything claimed as applied above (see *claim 1*). In addition, Hollenberg discloses that automatically notifying a user of the location aware device of the location bookmark comprises emitting a signal from the location aware device detectable by the user, including an audio signal, visual signal or a mechanical signal including a

Art Unit: 2687

vibration. In this case, for example, emitting a visual signal (picture - as in Figures 2, 4, 6, 11, etc.).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 10-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollenberg (US Patent Number 6,091,956) in view of Barzegar et al. (US Patent Number 5,559,520).

Regarding **claim 10**, it is a corresponding device claim of method claim 1; therefore, explanation for claim 1 is incorporated herein. Given the steps for performing, the means for performing such steps are obvious. The only feature not specifically disclosed by Hollenberg is that the current location of the device is determined by the device.

In the same field of endeavor, Barzegar et al. teaches a device (Figure 1) wherein the current location of the device is determined by the device (column 4, lines 53-55) by means of GPS for the advantage of providing location specific services to the device (column 1, lines 50-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Hollenberg's device with the capability of determining its current location by itself for the advantage of providing location specific services to the device in a more effective fashion, given that Hollenberg's device already have the location data necessary for such determination (column 29, line 26-30).

Regarding **claim 11**, Hollenberg and Barzegar et al. disclose everything claimed as applied above (see *claim 10*). Claim 11 is a corresponding device claim of method claims 1-9; therefore, explanation for claims 1-9 is incorporated herein. In addition, Hollenberg discloses that the means for determining a current location includes a global positioning system (GPS) receiver (column 8, lines 65-67; column 9, lines 41-44). The means for obtaining data include a digital camera (column 29, line 16), voice recorder and keypad (Figure 10). The means for recording a location bookmark include a memory element incorporated in the device (memory, storage, drives, RAM, etc.; column 5, lines 12-27). The means for storing the location bookmark comprise a transmitter for transmitting the bookmark to a remote server and the means for retrieving the location bookmark comprise a receiver for receiving the location bookmark from storage (Figures 1, 3, 5). A processor programmed is obvious from the steps explained above for claims 1-9. Data associated with the current location comprises multimedia content captured at the current location (see above).

Regarding **claim 12**, Hollenberg and Barzegar et al. disclose everything claimed as applied above (see *claim 11*). In addition, Hollenberg discloses that the memory element is a volatile semiconductor memory or a non-volatile semiconductor memory or a microdisk (memory, storage, drives, RAM, etc.; column 5, lines 12-27).

Regarding **claim 13**, Hollenberg and Barzegar et al. disclose everything claimed as applied above (see *claim 10*). In addition, Hollenberg discloses that the bookmark location and the bookmark content are stored in a searchable database (memory, storage, drives, RAM, etc.; column 5, lines 12-27) as key-value pairs having user-defined keys and values (see also 38, 39 – Figures 1, 3, 5).

Art Unit: 2687

As to **claims 14-18**, they are obvious variations of device claims 10-13. Therefore, the same explanation above is applied and incorporated herein.

Conclusion

6. Any inquiry concerning this communication from the examiner should be directed to Eliseo Ramos-Feliciano whose telephone number is 703-305-0078. The examiner can normally be reached from 8:00 a.m. to 5:30 p.m. on 5-4/9 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid, can be reached on (703) 306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ERF/erf
January 7, 2005


ELISEO RAMOS-FELICIANO 1/7/05
PATENT EXAMINER